

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA and THE COMMONWEALTH OF MASSACHUSETTS,)	
)	
Plaintiffs,)	
)	
<i>ex rel.</i> MICHAEL A. WILLETTE,)	Civil Action No.: 13-40066-TSH
)	
Relator,)	
)	
v.)	
)	
)	JURY TRIAL DEMANDED
UNIVERSITY OF MASSACHUSETTS, WORCESTER A/K/A UNIVERSITY OF MASSACHUSETTS MEDICAL SCHOOL, and THE ESTATE OF LEO VILLANI,)	
)	
Defendants.)	
)	

**MOTION FOR AWARD OF RELATOR’S SHARE,
OR, IN THE ALTERNATIVE,
MOTION TO SCHEDULE STATUS CONFERENCE
AND ESTABLISH A DISCOVERY SCHEDULE AS TO RELATOR’S SHARE**

Pursuant to 31 U.S.C. 3730(d), a Relator is entitled to 15-30% of any amounts received by the Government as a result of a *qui tam* action filed by the Relator (the “Relator’s Share”).¹

Relator Michael A. Willette (“Relator” or “Willette”) instituted this matter, pursuant to the False Claims Act, 31 U.S.C. 3729 *et seq.*, and the Massachusetts False Claims Act, Mass. Gen. Laws ch. 12, §§ 5A-5O, as amended, on behalf of the United States and the Commonwealth of Massachusetts (collectively, the “Governments”) at great risk and eventual costs to himself.

¹ Mass. Gen. Laws ch. 12, § 5F provides for similar percentages if the Commonwealth of Massachusetts recovers proceeds from a settlement or other resolution.

It has recently been disclosed to Relator and his counsel that his lawsuit led to the return of more than \$3.8 million to the Governments, including some portion that was returned to the federal Government.

However, the United States and the Commonwealth now refuse to award Relator the funds recovered as a result of his disclosure and lawsuit. Relator requests his statutory share of the funds.

In the alternative, Relator respectfully moves this Court to (1) allow limited discovery on the issues relevant to Relator's Share of the Villani settlement, (2) schedule a status conference on the preliminary issues of Relator's Share of the Villani settlement, and (3) schedule a hearing for the presentation of evidence and argument for this Court to establish Relator's Share of said settlement.

For the reasons stated in the accompanying Memorandum of Law, and pursuant to 31 U.S.C. § 3730(d)(2) and/or Mass. Gen. Laws ch. 12, § 5F(4), Relator Michael Willette respectfully requests that this Court grant his Motion, award him a Relator's Share of the award received by the Government, and order the United States and/or the Commonwealth of Massachusetts to pay Relator a minimum of 25% of any award recovered by the Governments. In the alternative, Relator respectfully requests that the Court allow limited discovery on the issues relevant to Relator's Share of the Villani settlement and the amount of funds paid to the federal Government from that settlement, schedule a status conference on the preliminary issues, and schedule a hearing for the presentation of evidence and argument for this Court to establish Relator's Share of said settlement.

Respectfully submitted,

/s/ Allyson H. Cohen, Esq.

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